

MONDAY, MARCH 16, 1998

SEVENTY-FOURTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Elizabeth Stephens, Santa Fe United Methodist Church, Santa Fe, Tennessee.

Representative Sands led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Arriola; family illness

Representative Whitson; illness

Representative Jackson; personal reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 716: Rep(s). West and Davidson as prime sponsor(s).

House Bill No. 1539: Rep(s). Cole(Dyer) as first prime sponsor(s).

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House Bill No. 1588: Rep(s). Rinks, J. DeBerry, Hicks, Burchett and Huskey as prime sponsor(s).

House Bill No. 2292: Rep(s). Bowers, Pruitt, Armstrong, S. Jones, L. DeBerry, Langster, Towns, Miller, Chumney, Kernell and Turner(Shelby) as prime sponsor(s).

House Bill No. 2315: Rep(s). Turner(Hamilton), McDonald, Lewis, Ferguson, Caldwell, Eckles, Bittle, Kent and Cole(Carter) as prime sponsor(s).

House Bill No. 2358: Rep(s). Walker(Rhea) as prime sponsor(s).

House Bill No. 2520: Rep(s). Bone and Bird as prime sponsor(s).

House Bill No. 3052: Rep(s). Walker(Rhea) as prime sponsor(s).

House Bill No. 3164: Rep(s). Givens as prime sponsor(s).

House Bill No. 3165: Rep(s). Stamps, Givens, Kent, Cole(Carter), Phelan, Rinks, McKee, Beavers, Goins, Godsey, Mumpower, Cole(Dyer), Hargrove, Maddox, Fitzhugh and Langster as prime sponsor(s).

House Bill No. 3183: Rep(s). Ford, Patton, Walker(Blount) as prime sponsor(s).

House Bill No. 3364: Rep(s). White as prime sponsor(s).

House Bill No. 3388: Rep(s). Maddox as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). White was/were removed as sponsor(s) of **House Bill No. 1539**.

On motion, Rep(s). Beavers was/were removed as sponsor(s) of **House Bill No. 2315**.

MESSAGE FROM THE GOVERNOR

March 13, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 545, 546, 547, 548, 549, 550, 551, 553, 554 and 555, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

ENROLLED BILLS

March 16, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 2229, 2801, 3374, 3375, 3376, 3377, 3378, 3379 and 3380.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
March 16, 1998

The Speaker signed the following: House Bill(s) No(s). 2229, 2801, 3374, 3375, 3376, 3377, 3378, 3379 and 3380.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 16, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2609 and 2398; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 16, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3016; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 3016** -- Education, Higher - Permits state school bond authority to receive a setoff from university's state appropriation for failure to pay current charges TCA Title 49, Chapter 3, Part 12. by *Henry.

MESSAGE FROM THE SENATE
March 16, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2469; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 16, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 561, 564, 569 and 570; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 16, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2621; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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***Senate Bill No. 2621** -- Public Records - Allows court clerk upon judge's order to destroy discovery materials, cost bonds, and other temporary trial records three years after final disposition. TCA Title 10, Chapter 7 and Title 18, Chapter 1. by *Haynes.

MESSAGE FROM THE SENATE

March 16, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 390; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 16, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 412, 506 and 508; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 412** -- General Assembly, Studies - Creates special joint committee to study issues relative to confidentiality of state personnel records. by *Atchley.

Senate Joint Resolution No. 506 -- Memorials, Public Service - Tamara Loren Walters. by *Cooper.

Senate Joint Resolution No. 508 -- Memorials, Death - Rosa Irene Porter George. by *Clabough.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 18, 1998:

House Joint Resolution No. 600 -- Memorials, Retirement - Harold Bowie. by *Kent.

House Joint Resolution No. 601 -- Memorials, Professional Achievement - Dr. Elbert Ross, "1997 State Principal of the Year.". by *Boner.

House Joint Resolution No. 603 -- Memorials, Professional Achievement - Jacques Scarbrough, 1996-997 Humanities Outreach "Teacher of the Year.". by *Stamps.

House Joint Resolution No. 604 -- Memorials, Professional Achievement - Thomas and Betts Corp., 1998 Tennessee Quality Achievement Award. by *McKee.

House Joint Resolution No. 605 -- Memorials, Professional Achievement - Myra Byrd, Hamblen County Teacher of the Year. by *Ford S.

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House Joint Resolution No. 606 -- Memorials, Professional Achievement - Diana Gresham, Hamblen County Teacher of the Year. by *Ford S.

House Joint Resolution No. 607 -- Memorials, Recognition and Thanks - Goldie Wattenbarger. by *Newton, *Bird.

House Joint Resolution No. 608 -- Memorials, Professional Achievement - Margaret Smith Pinkelten, Caroline Allen Borum, and Amber F. Raymer, Cheathan County Teachers of the Year. by *Williams (Williamson).

House Joint Resolution No. 609 -- Memorials, Retirement - Mary Frances Stubblefield. by *Hood, *Eckles.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 18, 1998:

Senate Joint Resolution No. 506 -- Memorials, Public Service - Tamara Loren Walters. by *Cooper.

Senate Joint Resolution No. 508 -- Memorials, Death - Rosa Irene Porter George. by *Clabough.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 503 -- Naming and Designating - "Safe Driver Awareness Weeks.". by *Gilbert, *Cooper, *Dixon.

Transportation Committee

***Senate Joint Resolution No. 412** -- General Assembly, Studies - Creates special joint committee to study issues relative to confidentiality of state personnel records. by *Atchley.

Judiciary Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3389 -- Macon County - Subject to local approval, enacts "Macon County Mobile Home Park Regulations.". by *Buck.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 1102** -- County Officers - Increases from \$65.00 to \$75.00 per diem compensation of Wilson County court officers TCA Section 8-21-901. by *Rochelle.

***Senate Bill No. 2256** -- Criminal Offenses - Expands Class A misdemeanor of being improperly on school grounds to include school buses; expands civil cause of action for intentional assault on school personnel to include assault committed on vehicle used to transport students or faculty. TCA Section 49-6-2008. by *Springer, *Williams.

***Senate Bill No. 2583** -- Penal and Reformatory Institutions - Clarifies that provisions requiring notification of certain officials upon escape of inmate; includes any escape from a prison or facility operated by private prison contractor. TCA Title 41. by *Herron.

***Senate Bill No. 2696** -- Public Records - Makes records and other documents concerning Tennessee inmate being housed in facility operated by private prison contractor public records to same extent they would be public if inmate housed in department of correction facility TCA Title 10, Chapter 7 and Title 41. by *Herron.

***Senate Bill No. 3056** -- Pardons and Paroles - Extends provision relative to number of board members it takes to parole or revoke parole to offenses that were repealed on 11/1/89. TCA Section 40-28-105. by *Haynes.

CONSENT CALENDAR

House Bill No. 3248 -- Libraries - Requires, for public library which is joint operation, legislative body of county or city that provides funding for operational costs, exclusive of funding for capital costs, to appoint library board of seven members. TCA Section 10-3-103. by *Jones U (Shelby), *Towns, *Brown, *Langster. (*SB3192 by *Ford J)

***House Bill No. 2623** -- Highway Signs - City of Ripley, I-40, Exit 56, Haywood County. by *Fitzhugh. (SB3085 by *Leatherwood)

On motion, House Bill No. 2623 was made to conform with **Senate Bill No. 3085**; the Senate Bill was substituted for the House Bill.

House Bill No. 2662 -- General Assembly - Permits notice to members of written reports by state agencies rather than delivery of actual report. TCA Title 3, Chapter 1. by *Williams (Williamson). (*SB2902 by *Jordan)

***House Bill No. 2292** -- State Government - Requires each entity of state government, subject to requirements of Title IX of Education Amendments Act of 1972, and promulgated regulations, to develop Title IX implementation plan. by *Brooks, *Brown, *Cooper B. (SB2468 by *Harper)

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***House Bill No. 2187** -- Naming and Designating - "General Clifton B. Cates Armory," Tiptonville, Lake County. by *Pinion, *Jones U (Shelby). (SB2601 by *Herron)

On motion, House Bill No. 2187 was made to conform with **Senate Bill No. 2601**; the Senate Bill was substituted for the House Bill.

House Bill No. 2996 -- Bonding, Surety and Professional - Establishes standard procedure for filing surety bonds of public officials TCA Title 5; Title 8; Title 9; Title 18; Title 54 and Title 67. by *White. (*SB3015 by *Henry)

On motion, House Bill No. 2996 was made to conform with **Senate Bill No. 3015**; the Senate Bill was substituted for the House Bill.

House Bill No. 2997 -- Taxes, Real Property - Requires copy or reproduction of property maps, filed by assessor with county register of deeds to be in format and storage medium approved by director of division of property assessments. TCA Section 67-5-806. by *White. (*SB3019 by *Henry)

On motion, House Bill No. 2997 was made to conform with **Senate Bill No. 3019**; the Senate Bill was substituted for the House Bill.

House Bill No. 2043 -- Highway Signs - "Ernest 'Chip' Koella IV Memorial Bridge, S.R. 33, Little River, Blount County. by *Walker (Blount). (*SB2064 by *Koella, *Atchley, *Cooper, *Henry, *Herron)

On motion, House Bill No. 2043 was made to conform with **Senate Bill No. 2064**; the Senate Bill was substituted for the House Bill.

***House Bill No. 3027** -- Building Commission, State - Provides that initial design approval by state architect or engineer required by building commission when cabins or similar structures being built by parks division of environment and conservation is sufficient for construction of similar structures at later date TCA Title 4, Chapter 15. by *Buck. (SB3175 by *Cohen)

***House Resolution No. 154** -- Memorials, Government Officials - Urges State Museum, State Library and Archives, Historical Commission and similar state agencies to use best efforts to preserve cultural heritages having material impact on history of Tennessee, and to more clearly recognize and emphasize importance of displaying and protecting various artifacts of each such culture. by *Phillips, *Westmoreland, *Fitzhugh, *Turner (Shelby), *Towns, *Brooks.

House Bill No. 2496 -- Education, Higher - Increases number of minority teaching fellow positions from 106 to 116; increases maximum per year number from 29 to 35. TCA Title 49, Chapter 4, Part 7. by *DeBerry L, *Langster, *Armstrong, *Miller L, *Pruitt. (*SB2542 by *Dixon, *Cohen, *Womack, *Harper)

House Bill No. 2630 -- Juries and Jurors - Increases daily allowance for board and lodging of juror from \$18.00 to \$27.00; appropriates sum sufficient for state to fund jury sequestration expenses TCA Title 22, Chapter 4. by *Stamps, *McDonald, *McMillan. (*SB2371 by *Graves)

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House Resolution No. 38 -- Naming and Designating - Joachim Bible Waterfowl Refuge. by *Whitson, *Davis R.

***House Joint Resolution No. 525** -- Memorials, Congress - Urges passage of Medicare Venipuncture Fairness Act. by *Patton.

***House Bill No. 3349** -- Children - Provides certain parental rights to certain non-custodial, biological parents. TCA Title 36, Chapter 6. by *Chumney. (SB3336 by *Harper)

***House Bill No. 2957** -- Drugs - Adds ketamine hydrochloride to list of Schedule IV controlled substances TCA Title 39, Chapter 17, Part 4. by *Chumney. (SB3251 by *McNally)

***House Bill No. 2516** -- Landlord and Tenant - Expands authority of district attorney to evict tenant from premises if premises or area immediately surrounding premises is being used in whole or in part to illegally sell or distribute controlled substances TCA Section 66-7-107. by *Chumney. (SB2672 by *Kyle)

House Bill No. 2900 -- Education, Higher - Permits state school bond authority to receive a setoff from university's state appropriation for failure to pay current charges TCA Title 49, Chapter 3, Part 12. by *Kisber. (*SB3016 by *Henry)

On motion, House Bill No. 2900 was made to conform with **Senate Bill No. 3016**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2248** -- Contractors - Includes Maury County within home inspector contracting law TCA Title 62, Chapter 6, Part 3. by *Sands. (SB2471 by *Jordan)

House Bill No. 2713 -- Chiropractors - Authorizes officers of board and hearing officer, arbitrator or mediator, if any, to administer oaths and upon probable cause, issue subpoenas for attendance of witnesses and production of documents and records. TCA Section 63-4-115. by *Odom. (*SB2697 by *Herron)

***House Bill No. 2211** -- Textbooks - Raises earnest money certified check limit for publishers bidding on textbook contracts from \$2,000 maximum to \$10,000 (\$1,000 per book) and bond requirements from \$10,000 maximum to \$1,000,000. TCA Section 49-6-2203. by *Boyer, *McDaniel. (SB2226 by *Elsea, *Atchley)

***House Bill No. 2139** -- Highways, Roads and Bridges - Urges department of transportation to continue widening of Highway 70 from Waverly to Dickson. by *Tidwell, *Jackson. (SB2211 by *Springer)

On motion, House Bill No. 2139 was made to conform with **Senate Bill No. 2211**; the Senate Bill was substituted for the House Bill.

House Resolution No. 157 -- Naming and Designating - "Ramp Festival Day," May 3, 1998. by *Davis R, *Huskey.

House Bill No. 3372 -- Benton - Subject to local approval, creates civil service commission. by *Newton. (SB3372 by *Miller J)

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House Bill No. 3382 -- Bristol - Subject to local approval, changes date of election for city council from Tuesday after first Monday in June to third Tuesday in May. Chapter 84 of the Private Acts of 1991, as amended. by *Godsey, *Mumpower. (SB3380 by *Ramsey)

House Bill No. 3383 -- Pulaski - Subject to local approval, provides that rates for power, light and heat shall be established by the board of mayor and aldermen through power board of Pulaski electric system. Chapter 711 of the Private Acts of 1949. by *Fowlkes. (SB3381 by *Cooper)

House Bill No. 3384 -- Bartlett - Subject to local approval, revises charter. Chapter 55 of the Private Acts of 1993. by *Hargett, *Pleasant. (SB3384 by *Person, *Leatherwood, *Kyle)

House Bill No. 3385 -- Roane County - Subject to local approval, authorizes additional general sessions court judge. Chapter 77 of the Private Acts of 1959; as amended. by *Ferguson. (SB3383 by *Davis L)

House Bill No. 3388 -- School Districts, Special - Renames McKenzie High School District to be McKenzie Special School District; revises board membership Chapter 533 of the Private Acts of 1917. by *Phelan. (SB3385 by *Carter)

House Joint Resolution No. 596 -- Memorials, Professional Achievement - Paul Craig, Flight Instructor of the Year. by *Williams (Williamson).

House Joint Resolution No. 597 -- Memorials, Sports - Harris Jones, Wendy's High School Heisman Trophy finalist. by *Pinion, *Phelan.

House Joint Resolution No. 598 -- Memorials, Death - Larry Vann. by *Goins.

House Joint Resolution No. 599 -- Memorials, Death - Coach DeWitt Weaver. by *Burchett.

Senate Joint Resolution No. 499 -- Memorials, Personal Achievement - Susan Bassal, 1996 Miss Teen Tennessee. by *Crowe, *Cooper.

Senate Joint Resolution No. 504 -- Memorials, Public Service - Barbara Melton, 1998 White House Citizen of the Year. by *Graves.

Senate Joint Resolution No. 510 -- Memorials, Public Service - Lytle "Jug" Landers. by *Womack.

Senate Joint Resolution No. 511 -- Memorials, Public Service - Bernice Martin. by *Womack.

Rep. Patton moved that all members voting aye on House Joint Resolution No. 525 be added as sponsors, which motion prevailed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2292: by Rep. Kent

House Bill No. 3027: by Rep. Stamps

House Bill No. 2496: by Rep. Stamps

House Bill No. 2630: by Rep. L. DeBerry

House Bill No. 2516: by Rep. Stamps

House Bill No. 2211: by Rep. Miller

Under the rules, House Bill No: 2292, 3027, 2496, 2630, 2516 and 2211 was/were placed at the foot of the calendar for March 18, 1998.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2916 -- Public Records - Provides procedure for counties to destroy certain public records. TCA Title 10, Chapter 7. by *Hargrove. (*SB2284 by *Rochelle)

Rep. Hargrove moved that House Bill No. 2916 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2916 by deleting the effective date section and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 10-7-121(a), is amended by adding the following subdivision immediately after subdivision (1) and renumbering accordingly:

(2) The secretary of state shall promulgate regulations regarding the approved technology, standards and procedures for creating and maintaining public records on a computer or removable computer storage media, including CD ROM disks. The regulations promulgated pursuant to this section shall be followed by all state and local government officials and employees that create or maintain records on a computer or removable computer storage media, including CD ROM disks.

SECTION 4. Tennessee Code Annotated, Section 10-7-401, is amended by deleting from the first sentence the language "composed of six (6) members" and substituting instead the language "composed of at least six (6) members".

SECTION 5. Tennessee Code Annotated, Section 10-7-401, is further amended by inserting the following between the fourth and fifth sentences:

In counties having a duly appointed county archivist, that person shall also serve as an ex officio member of the commission.

SECTION 6. For the purpose of the secretary of state promulgating rules and regulations as required by this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes it shall take effect on July 1, 1999.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2916 by inserting the following between the third and fourth sentences of subsection (d)(1) of the amendatory language of SECTION 1:

Prior to any order of destruction or transfer of any original public records pursuant to this subsection, the officer or department head having custody of such records shall advertise in a newspaper of general circulation in the county, and in counties having a population in excess of two hundred thousand (200,000) according to the 1990 federal census or any subsequent federal census also in a weekly newspaper, that certain records of the office or department, to be described in the advertisement by title and year, have been electronically stored, reproduced and protected and that the office or department has applied for permission to no longer retain such originals.

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved that **House Bill No. 2916**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2656 -- Public Records - Allows court clerk upon judge's order to destroy discovery materials, cost bonds, and other temporary trial records three years after final disposition. TCA Title 10, Chapter 7 and Title 18, Chapter 1. by *Hargrove. (*SB2621 by *Haynes)

On motion, House Bill No. 2656 was made to conform with **Senate Bill No. 2621**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 2621 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Hargrove requested that Senate Bill No. 2621 be moved down 2 places on the Calendar.

***House Bill No. 3142** -- Claims Commission, Tennessee - Revises duties and responsibilities relative to claimants and victims of crime. TCA Title 9, Chapter 8, Part 3, and Sections 9-8-111, 9-8-402(a), 9-8-402(b), 9-8-403, 12-3-214(d), 12-4-109(a)(1)(B)(viii), 29-13-106(e), 29-13-108, and 29-13-109. by *Hargrove. (SB3225 by *Kyle)

Rep. Hargrove moved that House Bill No. 3142 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3142 by deleting the amendatory language of SECTION 7 in its entirety and by substituting instead the following:

Negligent deprivation of statutory rights created under Tennessee law, except for actions arising out of claims over which the civil service commission has jurisdiction. The claimant must prove under this subdivision that the legislature expressly conferred a private right of action in favor of the claimant against the state for the state's violation of the particular statute's provisions;

by adding the following new sentence at the end of the amendatory language in SECTION 20:

A district attorney general who fails to supply the division with the report required in subsection (d) of this section within one hundred eighty (180) days of the division's receipt of the claim shall be deemed to have waived the right to apply for a suspension under this section, unless good cause is shown for such failure.

by deleting the following from the amendatory language in SECTION 25:

Notwithstanding any other law to the contrary, if the division denies a claim on the basis that the claimant does not meet the eligibility requirements for compensation under this part and the claimant appeals the denial to the commission, or if the division transfers the claim to the commission as a result of its inability to honor or deny the claim within the ninety (90) day settlement period, the commission shall consider the claim for the sole purpose of determining whether the claimant meets such eligibility requirements.

and by substituting instead the following:

Notwithstanding any other law to the contrary, if the division denies a claim on the basis that the claimant does not meet the eligibility requirements for compensation under this part and the claimant appeals the denial to the commission, or if the division transfers the claim to the commission as a result of its inability to honor or deny the claim within the ninety (90) day settlement period, the commission shall consider the claim for the sole purpose of determining whether the claimant meets such eligibility requirements. Such an eligibility requirement may include a determination as to whether the claimant has shown good cause for failing to file the claim

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 3142 by adding the following language as a new, appropriately designated section immediately following the existing Section 30 and renumbering subsequent sections appropriately:

SECTION ___. Tennessee Code Annotated, Section 9-8-307(i), is amended by deleting that subsection in its entirety and substituting instead the following:

(i)(1) Claims that were timely filed against state employees with a court of competent jurisdiction and that fall within the jurisdiction of the claims commission found in subsection (a)(1)(A) shall be dismissed as to the state employees and transferred to the division of claims administration to proceed as a claim against the state provided that the state employees alleged to have acted negligently were, at the time of the incident giving rise to the claim, operating a private motor vehicle within the scope of the employees' office or employment, and the employees' action or inaction was not willful, malicious, criminal or done for personal gain. When a motion for transfer is made the court shall require that notice be given the attorney general and the state shall be permitted to intervene and respond to the motion. Upon such transfer, the claim shall be considered timely filed with the division of claims administration and the claims commission. Such transfer shall be effected upon an order of dismissal and transfer from the court. Any such transfer must be made within one (1) year of the filing of the original complaint with the court or the passage of this act, whichever is later. Such claims shall be considered by the division of claims administration and the claims commission, as provided by law. This subsection shall be effective for causes of action arising on or after July 1, 1995, pending at the time of passage of this act and causes of action arising on or after the effective date of this act.

(2) Claims which are transferred to the division of claims administration pursuant to this subdivision shall be investigated by the division of claims administration, acted upon or transferred by the division, and acted upon by the claims commission pursuant to the same statutory requirements and procedures as apply to claims originally filed with the division of claims administration.

On motion, Amendment No. 2 was adopted.

Rep. Hargrove requested that House Bill No. 3142 be moved down 5 places on the Calendar.

House Bill No. 3278 -- Railroads - Increases from six months to one year time when railroad company must install automatic warning or protective devices at certain crossings. TCA Title 65, Chapter 11, Part 1. by *Robinson, *Buck. (*SB2449 by *Haun)

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Rep. Robinson moved that House Bill No(s). 3278 be reset for the Regular Calendar on March 30, 1998, which motion prevailed.

***Senate Bill No. 2621** -- Public Records - Allows court clerk upon judge's order to destroy discovery materials, cost bonds, and other temporary trial records three years after final disposition. TCA Title 10, Chapter 7 and Title 18, Chapter 1. by *Haynes. (HB2656 by *Hargrove)

Further consideration of Senate Bill No. 2621 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill and Amendment No. 1 was withdrawn.

Rep. Hargrove requested that Senate Bill No. 2621 be reset after House Bill No. 3142 on today's Calendar.

***House Bill No. 1281** -- Alcoholic Beverages - Redefines "restaurant" to include gourmet coffee houses to authorize sale and consumption of alcoholic beverages on such premises; to be located in city of more than 100,000, seating capacity of at least 30; with 50% of sales from coffees, teas and pastries. TCA Section 57-4-102(19). by *Brown, *Turner (Shelby). (SB1638 by *Ford J, *Crutchfield)

Further consideration of House Bill No. 1281 previously considered on April 2, 1997 at which time it was re-referred to the Committee on Calendar & Rules and reset to today's Calendar.

On motion, House Bill No. 1281 was made to conform with **Senate Bill No. 1638**; the Senate Bill was substituted for the House Bill.

Rep. Brown moved that **Senate Bill No. 1638** be passed on third and final consideration, which motion failed by the following vote:

Ayes	49
Noes	34
Present and not voting	4

Representatives voting aye were: Armstrong, Bittle, Bone, Bowers, Brooks, Brown, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Davis, DeBerry L., Fitzhugh, Fowlkes, Garrett, Givens, Gunnels, Halteman-Harwell, Hargrove, Head, Hicks, Huskey, Jones S., Jones U., Kent, Kernell, Kisber, Langster, McMillan, Miller, Newton, Odom, Phelan, Pruitt, Rhinehart, Rinks, Ritchie, Robinson, Sargent, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, Williams, Mr. Speaker Naifeh -- 49.

Representatives voting no were: Beavers, Burchett, Cross, Curtiss, Davidson, Dunn, Ferguson, Ford, Godsey, Goins, Haley, Hargett, Hood, Kerr, Maddox, McAfee, McDaniel, McDonald, Mumpower, Patton, Pinion, Ridgeway, Roach, Sands, Sharp, Stamps, Walker (Blount), Walker (Rhea), Walley, Westmoreland, White, Windle, Winningham, Wood -- 34.

Representatives present and not voting were: Bird, Boyer, Fraley, Lewis -- 4.

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Having failed to receive a constitutional majority, Senate Bill No. 1638 was re-referred to the Committee on Calendar & Rules.

House Bill No. 2822 -- Motor Vehicles - Authorizes department of safety to test applicants for reinstated or original motorcycle operator license for knowledge of motorcycle skills and requirements. TCA Section 55-51-107. by *Hood, *Burchett, *Robinson, *Tidwell. (*SB2255 by *Womack)

On motion, House Bill No. 2822 was made to conform with **Senate Bill No. 2255**; the Senate Bill was substituted for the House Bill.

Rep. Hood moved that **Senate Bill No. 2255** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 2360 -- Courts - Requires that final orders and cost bonds include name, address and social security or other identifying number of party ordered to pay court costs. by *Bone. (*SB2332 by *Rochelle)

On motion, House Bill No. 2360 was made to conform with **Senate Bill No. 2332**; the Senate Bill was substituted for the House Bill.

Rep. Bone moved that Senate Bill No. 2332 be passed on third and final consideration.

Rep. Bone moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2332 by deleting the language of Section 1 and substituting the following as the new Section 1:

To aid in the collection of court costs, the security given and any order assessing costs shall include sufficient information regarding the unique identity of the party at whose instance the action is brought or who is taxed with costs. In the case of an individual party or parties, such information may include the social security number, driver's license number or other unique identifying number. In the case of a party other than an individual, such information may include the federal employer identification number or other corporate or organizational identifying number. If a surety is given on cost bond by an attorney, the inclusion of the board of professional responsibility number shall be sufficient. Failure to include such numbers shall not effect the validity of the action, surety or order nor shall the failure to include the number delay the issuance of process.

On motion, Amendment No. 1 was adopted.

Rep. Bone moved that **Senate Bill No. 2332**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 3142** -- Claims Commission, Tennessee - Revises duties and responsibilities relative to claimants and victims of crime. TCA Title 9, Chapter 8, Part 3, and Sections 9-8-111, 9-8-402(a), 9-8-402(b), 9-8-403, 12-3-214(d), 12-4-109(a)(1)(B)(viii), 29-13-106(e), 29-13-108, and 29-13-109. by *Hargrove. (SB3225 by *Kyle)

Further consideration of House Bill No. 3142 previously considered on today's Calendar at which time the House adopted Amendment(s) No(s). 1 and 2.

On motion, House Bill No. 3142 was moved to the heel of the Calendar.

***Senate Bill No. 2621** -- Public Records - Allows court clerk upon judge's order to destroy discovery materials, cost bonds, and other temporary trial records three years after final disposition. TCA Title 10, Chapter 7 and Title 18, Chapter 1. by *Haynes. (HB2656 by *Hargrove)

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Further consideration of Senate Bill No. 2621 previously considered on today's Calendar.

On motion, Senate Bill No. 2621 was moved to the heel of the Calendar.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 2683 -- Fiduciaries - Revises requirements which must be met by fiduciaries in filing accountings with court. TCA Section 30-2-601, Section 34-5-111 and Section 34-11-111. by *Fowlkes, *Phelan, *Hood. (*SB2364 by *Fowler)

Rep. Fowlkes moved that **House Bill No. 2683** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 3183 -- Highway Signs - Makes possession of highway signs by unauthorized person Class B misdemeanor, punishable only by fine of \$500; allots fines to county highway department of county from which sign was taken. TCA Title 54, Chapter 10, Part 1. by *McDonald, *Fowlkes, *Robinson, *Maddox, *Bone, *Goins. (*SB3210 by *Haun)

Rep. McDonald moved that House Bill No. 3183 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3183 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 10, Part 1, is amended by adding the following new sections thereto:

Section _____. (a) The possession of a municipal or county traffic control sign erected upon any municipal or county street, road or highway by any person who is not an employee of a municipal or county highway department, or who has not entered into a contract with a municipality or county for the sale or erection of a traffic control sign, is a Class B misdemeanor punishable by a fine only of not more five hundred dollars (\$500). The possession of each traffic control sign in violation of this section shall be considered a separate offense.

(b) The provisions of this section shall only apply to a municipal or county traffic control sign which contains markings or other form of identification upon such traffic control sign indicating the municipality or county which erected or caused to be erected such sign, and the date such sign was acquired or erected by such municipality or county.

(c) All fines received pursuant to this section shall be allotted to the municipal or county highway department which erected or caused to be erected such traffic control sign.

(d) The provisions of this section shall only apply to municipal or county traffic control signs which are acquired or erected after the effective date of this act.

Section _____. (a) The possession of a municipal or county street, road or highway sign erected upon any municipal or county street, road or highway by any person who is not an employee of a municipal or county highway department, or who has not entered into a contract with a municipality or county for the sale or erection of a street, road or highway sign, is a Class B misdemeanor punishable by a fine only of not more than five hundred dollars (\$500). The possession of each street, road or highway sign in violation of this section shall be considered a separate offense.

(b) The provisions of this section shall only apply to a municipal or county road, street or highway sign which contains markings or other form of identification upon such sign indicating the municipality or county which erected or caused to be erected such sign, and the date such sign was acquired or erected by such municipality or county.

(c) All fines received pursuant to this section shall be allotted to the municipal or county highway department which erected or caused to be erected such street, road or highway sign.

(d) The provisions of this section shall only apply to municipal or county street, road or highway signs which are acquired or erected after the effective date of this act.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McDonald moved that **House Bill No. 3183**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 2514** -- Adoption - Changes violation of contact veto provisions of adoption law from Class A to Class B misdemeanor. TCA Section 36-1-132. by *Chumney. (SB3074 by *Fowler)

Rep. Chumney moved that House Bill No. 2514 be passed on third and final consideration.

Rep. Turner(Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2514 by deleting Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-132, is amended by adding the following as new subdivision to be appropriately designated:

() Any person who, in violation of this part, contacts or causes to be contacted a person with respect to whom the contacting person or person causing the contact knows a contact veto has been filed pursuant to this part commits a Class B misdemeanor.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that **House Bill No. 2514**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 1

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Boyer -- 1.

A motion to reconsider was tabled.

***House Bill No. 2520** -- Custody and Support - Makes willingness of parent to encourage child to have frequent and continuing contact with other parent most heavily weighted factor in determining custody. TCA Title 36, Chapter 6, Part 1. by *DeBerry J, *Armstrong, *Burchett, *Bowers. (SB2828 by *Ramsey)

Rep. J. DeBerry moved that House Bill No(s). 2520 be reset for the Regular Calendar on March 18, 1998, which motion prevailed.

***House Bill No. 2577** -- Pensions and Retirement Benefits - Specifies that service retirement allowance for Group 1 and Class C members of superseded TCRS not to exceed 90 percent of member's average final compensation, subject to funding. TCA Section 8-36-208. by *Rhinehart. (SB2799 by *Rochelle)

Rep. Rhinehart moved that House Bill No. 2577 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2577 by deleting from the amendatory language in SECTION 1 the words and figures "ninety percent (90%)", and by substituting instead the words and figures "eighty percent (80%)".

On motion, Amendment No. 1 was adopted.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1 as House Amendment No. 2.

Rep. Rhinehart moved that **House Bill No. 2577**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 3095** -- County Officers - Exempts persons who have been working in capacity of both city judge and city recorder since 1984 from municipal clerk certification requirements. TCA Section 6-54-120(b). by *Ferguson. (SB3293 by *Davis L)

Rep. Ferguson moved that **House Bill No. 3095** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	2
Present and not voting	2

Representatives voting aye were: Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner

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(Shelby), Walker (Blount), Walker (Rhea), Walley, West, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Armstrong, Miller -- 2.

Representatives present and not voting were: Cooper, Westmoreland -- 2.

A motion to reconsider was tabled.

House Bill No. 2273 -- County Government - Removes requirement that each employee be given copy of county personnel policy; replaces requirement with provision requiring employee access to copy of such policy. TCA Section 5-23-107. by *McMillan, *Head. (*SB2271 by *Kurita)

On motion, House Bill No. 2273 was made to conform with **Senate Bill No. 2271**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 2271 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. McMillan moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2271 By deleting SECTION 1 in its entirety and by substituting instead the following new SECTION 1:

SECTION 1. Tennessee Code Annotated, Section 5-23-107(1), is amended by adding the following language after the semicolon (;) at the end of subdivision (1):

Provided, however, that a local board of education may, by resolution or negotiated agreement pursuant to Title 49, Chapter 5, Part 6, dispense with the requirements of this subdivision (1) and instead adopt other appropriate measures to ensure that each certificated and non-certificated employee has knowledge of and access to a copy of personnel policies of the school system and any subsequent amendments applicable to them, and that each of the non-certificated employees is aware that the policies alone will not create a contract of employment. Nothing in this chapter shall be construed to modify or repeal the rights of certificated or non-certificated employees of local boards of education as set forth in Section 49-2-301(f)(32) and (33), Title 49, Chapter 5, or other applicable provisions of Title 49.

On motion, Amendment No. 2 was adopted.

Rep. McMillan moved that **Senate Bill No. 2271**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes..... 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2315 -- Domestic Violence - Authorizes arrest without warrant of person violating conditions of release imposed following arrest for domestic abuse offense or order of protection violation. TCA Title 40, Chapter 11 and Title 40, Chapter 7. by *McMillan, *Hargrove, *Odom, *Jones, S., *Halteman Harwell, *Beavers, *Haley, *Hargett, *Pleasant. (SB2782 by *Burks, *Graves, *Haynes)**

Rep. McMillan moved that House Bill No. 2315 be passed on third and final consideration.

Rep. McMillan requested that House Bill No. 2315 be moved to the heel of the Calendar.

House Bill No. 3165 -- Crime, Victims of - Requires court to permit and allow jury to consider testimony from victim's family at sentencing hearing for first degree murder. TCA Title 39, Chapter 13. by *McMillan, *Buck, *Scroggs, *Jackson, *McDonald, *Newton, *Haley, *Hargett, *Pleasant. (*SB2943 by *Burks, *Graves, *Kurita, *Davis L, *Harper)

Rep. McMillan moved that House Bill No. 3165 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3165 by deleting the following from the amendatory language of SECTION 1:

The fact that such person or persons attended the trial or shall testify regarding the impact of the offense shall not be construed to pose a danger of creating unfair prejudice, confusing the issues, or misleading the jury.

On motion, Amendment No. 1 was adopted.

Rep. McMillan moved that **House Bill No. 3165**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95

Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 2358 -- Sexual Offenses - Creates Class B felony offense of "aggravated spousal rape," defined as spousal rape where defendant also engages in conduct cruel, vile and inhumane to victim during commission of offense. TCA Title 39, Chapter 13, Part 5. by *Sands, *White, *McMillan, *Fowlkes, *Pleasant, *Haley, *Hargett. (*SB2300 by *Jordan)

Rep. Sands moved that House Bill No. 2358 be passed on third and final consideration.

Rep. Buck requested that Amendment No. 1 be moved to the heel of the Amendments.

Rep. Sands moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2358 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-507, is amended by adding the following new subsection (c) and by relettering present subsection (c) accordingly:

(c)

(1) "Aggravated spousal rape" is the unlawful sexual penetration of one spouse by the other where the defendant:

(A) Knowingly engaged in conduct that was especially cruel, vile and inhumane to the victim during commission of the offense; and either;

(B) Causes serious bodily injury to the victim; or

(C) Is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.

(2) Aggravated spousal rape is a Class B felony.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Sands moved that **House Bill No. 2358**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2556 -- Uniform Commercial Code - Rewrites UCC law on letters of credit. TCA Title 47, Chapter 5; Section 47-1-105(2); Section 47-1-206(2); Section 47-4-104(6); Section 47-5-114; and Title 47, Chapter 9. by *Sands, *Fitzhugh. (*SB2595 by *Herron)

On motion, House Bill No. 2556 was made to conform with **Senate Bill No. 2595**; the Senate Bill was substituted for the House Bill.

Rep. Sands moved that **Senate Bill No. 2595** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 3052 -- Insurance Companies, Agents, Brokers - Revises qualified investments of domestic life insurance companies. TCA Title 56, Chapters 1 and 3. by *Sands, *Cole (Carter). (*SB3139 by *Haynes)

On motion, House Bill No. 3052 was made to conform with **Senate Bill No. 3139**; the Senate Bill was substituted for the House Bill.

Rep. Sands moved that Senate Bill No. 3139 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Sands moved that **Senate Bill No. 3139** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 3162 -- Criminal Procedure - Prohibits judge and attorneys from commenting to jury on possible penalties in all criminal cases except capital cases. TCA Title 40, Chapter 35. by *Sands, *Scroggs, *Jackson. (*SB2940 by *Gilbert, *Davis L)

Rep. Sands moved that **House Bill No. 3162** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	84
Noes	3
Present and not voting	6

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boyer, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Bowers, Buck, Goins -- 3.

Representatives present and not voting were: Brooks, Brown, Chumney, Kernell, Towns, Turner (Shelby) -- 6.

A motion to reconsider was tabled.

House Bill No. 3164 -- Criminal Procedure - Allows either state or defendant to introduce facts and circumstances of prior violent offense felony convictions used as basis of aggravating factor. TCA Title 39, Chapter 13. by *Sands, *Buck, *Scroggs, *Jackson, *Pleasant, *Haley, *Hargett. (*SB2942 by *Haynes, *Burks, *Kurita, *Davis L)

Rep. Sands moved that House Bill No. 3164 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3164 by adding the following at the end of Section 1:

Such evidence shall be used by the jury in determining the weight to be accorded the aggravating factor.

On motion, Amendment No. 1 was adopted.

Rep. Sands moved that **House Bill No. 3164**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 90
 Noes 1
 Present and not voting 4

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Brooks, Cooper, Kernell, Towns -- 4.

A motion to reconsider was tabled.

***House Bill No. 3142** -- Claims Commission, Tennessee - Revises duties and responsibilities relative to claimants and victims of crime. TCA Title 9, Chapter 8, Part 3, and Sections 9-8-111, 9-8-402(a), 9-8-402(b), 9-8-403, 12-3-214(d), 12-4-109(a)(1)(B)(viii), 29-13-106(e), 29-13-108, and 29-13-109, by *Hargrove. (SB3225 by *Kyle)

Further consideration of House Bill No. 3142, previously considered on today's Calendar at which time the House adopted Amendment(s) No(s). 1 and 2.

Rep. Hargrove moved that **House Bill No. 3142**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
 Noes 0

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***Senate Bill No. 2621** -- Public Records - Allows court clerk upon judge's order to destroy discovery materials, cost bonds, and other temporary trial records three years after final disposition. TCA Title 10, Chapter 7 and Title 18, Chapter 1. by *Haynes. (HB2656 by *Hargrove)

Further consideration of Senate Bill No. 2621 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill and Amendment No. 1 was withdrawn.

Rep. Hargrove moved that Senate Bill No. 2621 be passed on third and final consideration.

Rep. Hargrove moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2621 by deleting the amendatory language of Section 1 and substituting instead the following:

(b) In civil cases, a judge may order the clerk to destroy discovery materials, briefs, cost bonds, subpoenas and other temporary records three (3) years after the final disposition of the case or three (3) years after records sealed by order of the court have been unsealed. When such order is entered, the court clerk shall notify the parties of the three (3) year disposition schedule for temporary records, and that the parties may remove temporary records filed by the party during the three (3) year period. "Final disposition of a case" for the purpose of this subsection means the time when judgment has been entered and the appeal times have lapsed for all parties. This subsection shall not apply if any party is a minor.

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved that **Senate Bill No. 2621**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks, Cooper -- 2.

A motion to reconsider was tabled.

***House Bill No. 2315** -- Domestic Violence - Authorizes arrest without warrant of person violating conditions of release imposed following arrest for domestic abuse offense or order of protection violation. TCA Title 40, Chapter 11 and Title 40, Chapter 7, by *McMillan, *Hargrove, *Odom, *Jones, S., *Halteman Harwell, *Beavers, *Haley, *Hargett, *Pleasant. (SB2782 by *Burks, *Graves, *Haynes)

Further consideration of House Bill No. 2315 previously considered on today's Calendar.

Rep. McMillan moved that House Bill No. 2315 be passed on third and final consideration.

Rep. U. Jones moved the previous question, which motion prevailed.

Rep. McMillan moved that **House Bill No. 2315** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	4
Present and not voting	2

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Brooks, Cooper, Towns, Turner (Shelby) -- 4.

Representatives present and not voting were: Bowers, Boyer -- 2.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2685 -- Insurance, Health, Accident - Exempts out-of-state master group subscription contract transactions from prohibition relative to dental service plans TCA Title 56, by *Rhinehart. (*SB2394 by *Cooper)

Senate Amendment No. 1

AMEND House Bill No. 2685 by deleting the words "under Title 56" from the amendatory language of Section 1 of the printed bill.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2685**, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Chumney -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 18, 1998:

House Bill No. 390: by Rep. Windle

MESSAGE FROM THE SENATE
March 16, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2229, 2801, 3374, 3375, 3376, 3377, 3378, 3379 and 3380; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 16, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 556, 557, 558, 559, 560, 562 and 563; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 16, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2103, 2106, 2110, 2250, 2606, 2755, 2872, 2927, 3061, 3069 and 3284; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2103** -- Sunset Laws - Cancer reporting advisory committee, June 30, 2006. TCA Title 4, Chapter 29, Title 68, Chapter 1. by *Springer.

***Senate Bill No. 2106** -- Sunset Laws - Renal disease advisory committee, June 30, 2006. TCA Title 4, Chapter 29 and Title 68, Chapter 35. by *Springer.

***Senate Bill No. 2110** -- Sunset Laws - Hemophilia advisory committee, June 30, 2006. TCA Title 4, Chapter 29 and Title 68, Chapter 41, relative. by *Springer.

***Senate Bill No. 2250** -- Teachers - Allows career level II teachers who have completed requirements for career level II as of 6/13/97, to move into career level III upon achieving required years of service. TCA Title 49, Chapter 5, Part 50. by *Rochelle, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

***Senate Bill No. 2606** -- Unemployment Compensation - Disqualifies claimant from receiving unemployment benefits if such claimant was discharged for placing claimant's employer in violation of Fair Labor Standards Act. TCA Section 50-7-303. by *Herron.

***Senate Bill No. 2755** -- Trademarks and Trade Names - Redefines "trademark" to include names, emblems or insignias of the "United States Olympic Committee" or "International Olympic Committee." TCA Title 47, Chapter 25. by *Person.

***Senate Bill No. 2872** -- Unemployment Compensation - Increases trust fund balances used to determine reserve ratio for premium rate requirements TCA 50-7-403(g). by *Crutchfield, *Dixon.

***Senate Bill No. 2927** -- General Services, Dept. of - Makes authorized donees under federal surplus property program eligible for state surplus property. TCA Section 12-2-403 and Section 12-4-207. by *Atchley, *Dixon.

MONDAY, MARCH 16, 1998 -- SEVENTY-FOURTH LEGISLATIVE DAY

***Senate Bill No. 3061** -- Taxes, Real Property - Revises real property tax relief for low income elderly and disabled persons. TCA 67-5-702 and 67-5-703. by *Henry.

***Senate Bill No. 3069** -- Real Property - Revises disclosure form in Tennessee Residential Property Disclosure Act. TCA Section 66-5-210. by *Atchley, *Gilbert.

Senate Bill No. 3284 -- Courts, General Sessions - Permits county legislative body to appoint temporary successor until interim suspension is lifted or office becomes vacant TCA Section 16-15-210. by *Rochelle.

MESSAGE FROM THE SENATE
March 16, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 54, 2239, 2252, 2305, 3014 and 3088; also, Senate Joint Resolution(s) No(s). 492, 494, 495, 496, 497 and 498 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
March 16, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2248, 2315, 2358, 2514, 2577, 2662, 2683, 2713, 2916, 2957, 3095, 3142, 3162, 3164, 3165, 3183, 3248, 3349, 3372, 3382, 3383, 3384, 3385 and 3388, also, House Joint Resolution(s) No(s). 525, 596, 597, 598 and 599.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eccles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

MONDAY, MARCH 16, 1998 -- SEVENTY-FOURTH LEGISLATIVE DAY

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 2:00 p.m., Wednesday, March 18, 1998.